| Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent   |   |  | Docket No.<br>6062 P   |  |  |
|---|---|--|--|--|--|
| In Re Application Of: I   | ope et al.  |  |  |  |  |
| Serial No.  | Filing Date   | Examiner   | Group Art Unit   |  |  |
| 09/494,27\$ 6   | 1/30/2000   | Pellegrino   | 3738   |  |  |
| Invention:  |   |  |  |  |  |
| Prosthetic Hip Joint Havi   | ng a Polyerystalline Diamond Arti   | culation Surface and A Plurali   | ity of Substrate Laye  |  |  |
| Owner of Record:  |   |  |  |  |  |
| Diamicron, Inc.   |   |  |  |  |  |
| TO THE ASSISTANT COMMISSIONER FOR PATENTS:  |   |  |  |  |  |
| provided below, the termina the expiration date of the disclaimer, of prior Paterit be enforceable only for an patent granted on the instantian making the absorbed application that would extend patent, as presently shorter held unenforceable, is foun under 37 C.F.R. 1.321, has the expiration of its full statut | If part of the statutory term of any partial part of the statutory term defined in 35 U.S. 109/494,240 . The owner here it during such period that it and the it application and is binding upon the ove disclaimer, the owner does not do the expiration date of the full stated by any terminal disclaimer, in the dinvalid by a court of competent jurall claims cancelled by a reexaminatory term as presently shortened by or 2 below, if appropriate. | etent granted on the instant apples. C. 154 to 156 and 173, as post agrees that any patent so graphic prior patent are commonly own a grantee, its successors and/or at disclaim the terminal part of atutory term as defined in 35 U.S. are event that it later expires for this disclaim, is statutorily disclaimed ation certificate, is reissued, or it any terminal disclaimer. | any patent granted on the instant S.C. 154 to 156 and 173 of the prior failure to pay a maintenance fee, is ed in whole or terminally disclaimed in any manner terminated prior to |  |  |
| 1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.  |   |  |  |  |  |
| information and belief are b<br>statements and the like so  | hat all statements made herein of<br>selieved to be true; and further that<br>made are punishable by fine or im<br>villful false statements may jeopardiz   | these statements were made we<br>prisonment, or both, under Sec  | vith the knowledge that willful false tion 1001 of Title 18 of the United  |  |  |
| Danie   | an attorney of record.  Signature  I McCarthy  Frinted Name   | Dated: June 24, 2002   |  |  |  |
| PTO suggested wor   | fee under 37 C.F.R. 1.20(d) include<br>ding for terminal disclaimer was und<br>37 C.F.R. 3.73(b) is required if termin  | hanged.  | ssignee.   |  |  |

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| Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent   |   |  | Docket No.                      |  |  |
| Тация   | g Rejection Over A Filor  | Fatent   | 6062 P                          |  |  |
| In Re Application Of: Popu  | e et al.  |  |                                 |  |  |
|   |   |  |                                 |  |  |
| Serial No.  | Filing Date   | Examiner   | Group Art Unit                  |  |  |
| 09/494,275 6  | 1/30/2000   | Pellegrino   | 3738                            |  |  |
| Invention;  |   |  |                                 |  |  |
| Prosthetic Hip Joint Having   | a Polycrystalline Diamond Ar  | ticulation Surface and A Plurality of  | Substrate Lave                  |  |  |
|   |   |  | ,                               |  |  |
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| Owner of Record:  |   |  |                                 |  |  |
|   |   |  |                                 |  |  |
| Diamicron, Inc.   |   |  |                                 |  |  |
|   | TO THE ASSISTANT COM  | MMISSIONER FOR PATENTS:  |                                 |  |  |
|   |   | MMISSIONER FOR PATENTS:  |                                 |  |  |
| The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond   |   |  |                                 |  |  |
| the expiration date of the full disclaimer, of prior Patent No.   | statutory term defined in 35 U  | .S.C. 154 to 156 and 173, as present   | ly shortened by any terminal    |  |  |
| be enforceable only for and du  | uring such period that it and the                                       | eby agrees that any patent so granted of prior patent are commonly owned. I            | his agreement runs with any     |  |  |
| be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.  |   |  |                                 |  |  |
| In making the above   | disclaimer, the owner does no   | ot disclaim the terminal part of any p   | atent granted on the instant    |  |  |
| application that would extend to  | o the expiration date of the full s                                     | tatulory term as defined in 35 U.S.C. 19<br>he event that it later expires for failure | 54 to 156 and 173 of the prior  |  |  |
| nelo unentorceable, is toung in   | ivalid by a court of competent ji                                       | urisdiction, is statutorily disclaimed in w  | thole or terminally disclaimed. |  |  |
| Uliber 37 C.F.R. 1.321, has all   | Claims cancelled by a reexamir  | talion certificate le roissued et is in a  | ny manner terminated prior to   |  |  |
| 702/2002 SSESHE1 00000051 094<br>FC:248   | term as presently shortened by<br>14273<br>-55.00 0P                    | any terminal discrainer.   |                                 |  |  |
| Check either box 1 or 2   | -55,00 0P<br>2 below, if appropriate.                                   |  |                                 |  |  |
| 1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.  |   |  |                                 |  |  |
| I hereby declare that   | all statements made herein of   | of my own knowledge are true and t   | nat all statements made on      |  |  |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United |   |  |                                 |  |  |
| statements and the like so ma<br>States Code and that such willfu   | de are punishable by fine or in<br>Il false statements may jeopardi     | nprisonment, or both, under Section 1<br>ize the validity of the application or any    | 001 of Title 18 of the United   |  |  |
| 2. The undersigned is an  |   | , and approximation 2119   | Patorit 199400 Higheoff.        |  |  |
| 11/04/2003  | a.A   |  | 9)                              |  |  |
| 11/04/2003 HWIGGINS 00000001 0  | 9/14/76   | Dated: June 24, 2002   | V/1                             |  |  |
|   | arure110.00 OP  |  | . 13                            |  |  |
| Daniel M Typed or Pr  | inted Name  |  | ' V.                            |  |  |
| Terminal disclaimer fee   | under 37 C.F.R. 1.20(d) include   | ed.  |                                 |  |  |
| Cauggested wording  | g for terminal disclaimer was un<br>C.F.R. 3.73(b) is required if termi | changed.<br>Inal disclaimer is signed by the assigned                                  |                                 |  |  |